

MID SUSSEX DISTRICT COUNCIL

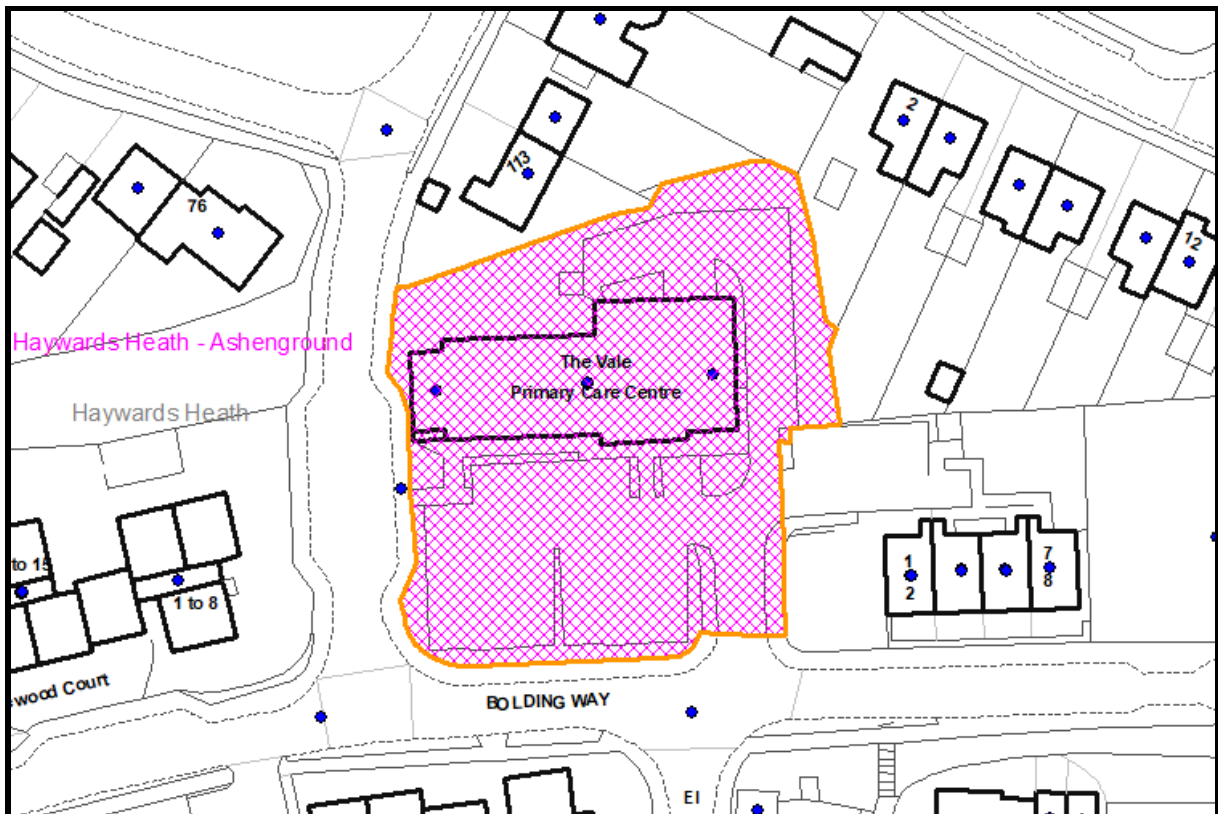
Planning Committee

8 SEP 2022

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/22/1925



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**VALE PRIMARY CARE CENTRE BOLDING WAY HAYWARDS HEATH
WEST SUSSEX RH16 4SY**

**CHANGES IN EXTERNAL APPEARANCE INCLUDING ALTERATIONS TO
FENESTRATION AND DOORWAYS AND THE INCORPORATION OF
ROOF MOUNTED PV PANELS AND AN ADDITIONAL PARKING SPACE IN
CONNECTION WITH INTERNAL ALTERATIONS REDISTRIBUTING THE
EXISTING HEALTHCARE AND PHARMACY ACTIVITIES. (AMENDED
PLANS 27/07 TO SHOW FIRE ESCAPE DOOR AND STEPS)**

JESS YAXLEY

POLICY: Built Up Areas / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) Sewer Line (Southern Water) / Trees subject to a planning condition / Minerals Local Plan Safeguarding (WSSCC)

ODPM CODE: Minor Other

8 WEEK DATE: 12th August 2022

WARD MEMBERS: Cllr Anne Boutrup / Cllr Richard Bates /

CASE OFFICER: Andrew Horrell

PURPOSE OF THE REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning Permission is sought for the external alterations to fenestration and doorways and the incorporation of roof mounted PV panels and an additional parking space in connection with internal alterations redistributing the existing Healthcare and Pharmacy activities

The proposed alterations to the health centre are considered to be of a design suitable to the wider streetscene and would not cause significant harm to the amenities of neighbouring amenities.

The proposed development is therefore deemed to comply with policies DP21, DP25, DP26 and DP39 of the Mid Sussex District Plan and policies E9 and T3 of the Haywards Heath Neighbourhood Plan.

The application has been referred to Committee because the building is on land owned by the District Council.

RECOMMENDATION

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTATIONS

Haywards Heath Town Council:

' No Comment'

MSDC Estates:

' Our comment is that the freehold is owned by Mid Sussex District Council and the property is leased to our tenant. The tenant will be required to contact the Mid Sussex District Council Estates Department in order to request consent for such works as per the lease'

Southern Water:

' No objection'

WSCC Highways

' No objection, subject to condition'

INTRODUCTION

The application seeks planning permission for various external and internal alterations to the existing health centre.

RELEVANT PLANNING HISTORY

01/00233/FUL - Two storey medical centre and associated car parking.

SITE AND SURROUNDINGS

The two storey detached clay tiled pitched roofed health centre was built under reference 01/00233/FUL with front gable at entrance and front porch serving the pharmacy and has an existing side lean to. The walls are characterised by face brickwork with upvc doors and windows and rooflights widespread.

To the south of the site is the car park with hedging and post and rail fencing to the highway beyond, to the north of the site is the rear car park with close boarded fencing to neighbours in Vale Road and Sandy Vale beyond, to the west of the site is the post and rail fencing to highway beyond and to the east of the site is the access road to rear car park with Robert Court, Bolding Way flats beyond.

The site is within the built-up area of Haywards Heath

APPLICATION DETAILS

The existing health centre is to be modernised.

External alterations include:

- New rear door and steps to pharmacy with fire exit
- Window bars to be removed from rear windows
- Side window to be replaced by side door and side steps and rail access serving fire exit and side refuge to western elevation.
- Door on eastern elevation to be replaced with windows and spandrel panels
- Condensers for pharmacy on eastern elevation
- Installation of PV solar panels on the front elevations
- Removal of existing pharmacy signage
- Existing pharmacy entrance door to be infilled by window and spandrel panel.
- New entrance door and signage serving relocated pharmacy
- Creation of an additional parking space

Internal alterations to include:

- Pharmacy changed into utility room, treatment room, consulting room and corridor
- minor surgery, store and nurse station and WC changed into consulting rooms
- existing surgery, smaller waiting room, admin and kitchenette changed to relocated pharmacy

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Haywards Heath Neighbourhood Plan and the Site Allocation DPD.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

Mid Sussex District Plan

DP25 (Community Facilities and Local Services)

DP26 (Character and Design)

DP39 (Sustainability)

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policies:

E9 (Design)

T3 (Car Parking)

National Policy

National Planning Policy Framework (July 2021)

ASSESSMENT

The main issues are considered to be the design and scale of the scheme and resulting impact on the character and appearance of the area, sustainability, transport and impact upon neighbouring amenities.

Scale, design and character impact

DP26 of the District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.'*

Policy E9 of the Haywards Heath Neighbourhood Plan has a similar ethos and states:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *Will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.*

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character'.

The external alterations will be visible from the streetscene, but the use of matching materials and design to the existing will ensure that it relates sympathetically to the existing building. Therefore, in terms of design and character the alterations are considered to comply with Policies DP26 of the Mid Sussex District Plan and E9 of the Haywards Heath Neighbourhood Plan.

Community Facilities

DP25 of the Mid Sussex District Plan is deemed relevant to community facilities. It states:

' The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.

Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- *that the use is no longer viable; or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- *that a replacement facility will be provided in the locality.*

The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure on-site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.

Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council'.

The principle of modernising the surgery is therefore deemed acceptable subject to design, impact on neighbouring amenities and impact on highways. Therefore, the improvement of the site complies with DP25 of the Mid Sussex District Plan.

Sustainability

The proposal seeks to install a form of renewable energy and thus improve the energy efficiency of the building.

Policy DP39 of the District Plan is relevant and states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*

- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

Carbon reduction will be a significant issue to address climate change and therefore this application should be supported for the longer-term environmental benefit that will result from the solar panel installation. A planning condition to require the removal of the panels in the event that they stop being used, and/or become obsolete will ensure that the house roof is returned to its current appearance.

Having regard for all the above, and given the context of the application, it is considered that the application complies with Policy DP39 of the Mid Sussex Plan.

Highways

DP21 of the Mid Sussex District Plan states *decisions on development proposals will take account of whether:*

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians.*

A similar ethos is found within policy T3 of the Haywards Heath Neighbourhood Plan.

The Proposal does not alter the vehicular or pedestrian access to the site and will cause no highway safety issues.

The proposal will increase the car park by one additional space. The site is well located with alternative forms of transport (buses) available therefore the level of parking proposed is considered acceptable and comply with policy DP21 of the Mid Sussex District Plan.

Neighbouring Amenities

In terms of impact upon neighbouring amenities Policy DP26 in part seeks to ensure that development:

'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);'

Policy H9 states that proposals should "safeguard" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Given the nature of the proposal, the harm to neighbouring amenities is not deemed significant.

CONCLUSION

The proposed development complies with policies DP21, DP25, DP26 and DP39 of the Mid Sussex District Plan as well as policies E9 and T3 of the Haywards Heath Neighbourhood Plan.

The application is therefore recommended for approval subject to the conditions listed in Appendix A.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No external materials shall be used other than those specified on the approved plans without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.

4. The car parking shall be constructed in accordance with the approved proposed ground floor plan drawing no P199-BRP-00-GF-DR-A-0201-P03. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to comply with DP21 of the Mid Sussex District Plan.

5. The solar panels and associated brackets shall be removed and the roof tiles restored to their former condition within a period of three months from their last use, in the event that the solar panels hereby approved become unused or otherwise obsolete

Reason: To enable the Local Planning Authority to control the development in detail in the interests the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Haywards Heath Neighbourhood Plan.

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.

- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Existing and Proposed Elevations	P199 0402 P03		27.07.2022
Proposed Site Plan	P199 0102 P03		27.07.2022
Proposed Floor Plans	P199 0201 P03		27.07.2022
Existing and Proposed Elevations	P199 0401 P03		27.07.2022
Location Plan	P199 0100 P01	-	17.06.2022
Existing Site Plan	P199 0101 P01	-	17.06.2022
Existing Floor Plans	P199 0200 P02	-	17.06.2022
Existing and Proposed Elevations	P199 0400 P02	-	17.06.2022
Planning Statement	P199-1J1	-	17.06.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

No Comment.

WSCC Highways:

' This application is for changes in external appearance including alterations to fenestration and doorways and the incorporation of roof mounted PV panels and an additional parking space in connection with internal alterations redistributing the existing Healthcare and Pharmacy activities.

The site is located on the corner plot between Bolding Way and Vale Road both unclassified roads subject to 30mph speed limit.

The existing vehicular access onto Bolding Way is to be retained with no proposed alterations. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

As part of new fire strategy, the applicant proposes to create new pedestrian access to the eastern boundary onto Vale Road. The proposed works on the highway will require licence obtained by WSCC Highways and built to a specification agreed with them. A suitably worded informative is included below.

The building is to be reconfigured internally with some external alterations, however the floorspace of the building appears of same size.

Part of grassed area to the northeast corner of the parking is to be paved and used as a parking space. The proposed car parking space accords with the minimum requirements of 2.4 x 4.8m as outlined in Manual for Streets (MfS) guidance.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve this application, the following condition and informative are advised.

Condition

Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved proposed ground floor plan drawing no P199-BRP-00-GF-DR-A-0201-P02. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Informative

Works within the Highway - Area Office Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place'.

Southern Water:

'Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer and rising main asset within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- *The 150 mm public foul sewer and 280 mm public foul rising main requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.*
- *No new development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.*
- *No new soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer and rising main.*
- *All existing infrastructure should be protected during the course of construction works.*

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.

Please note: There are decommissioned public foul sewers crossing in the site.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- *Reuse*
- *Infiltration*
- *Watercourse*
- *Storm sewer*
- *Combined Sewer*

Guidance on Building Regulations is here:

[gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h'](https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)